

Remarks

This Amendment is in response to the Office Action dated **February 11, 2004**. Each issue in the official action is discussed in detail below.

IDS

It is asserted in the official action that the listing of references in the specification is not a proper information disclosure statement.

In response, Applicant is currently filing a Supplemental IDS.

§102/103 Rejections

Claims 19-20 and 30-44 were rejected under 35 USC §102(b) as anticipated by or, in the alternative, under 35 USC §103(a) as obvious over Onwunaka et al. (5281677) or Alzner (5458935).

Applicant traverses. With regard to Onwunaka, the rejection fails because it does not account for each and every element of the claimed invention. Among other things, Onwunaka does not disclose making a balloon for a medical device. Nowhere in Onwunaka are balloons mentioned. The reference is directed toward catheters having the adequate *stiffness* for insertion and advancement through tortuous blood vessels. Other applications and products are listed in column 3, lines 39-48, but none of these are balloons. Stiffness is an important factor in these central venous access catheter products. Medical balloons serve a different purpose and thus have different requirements. Further, it would be unclear as to attributes of the material after the blowing and stretching steps which are used in forming a balloon are performed. There is a vast body of art directed solely to balloons for medical devices that is distinct from catheter shaft art. Not only does the reference lack any reference to balloons, it lacks adequate teaching or motivation for one to go beyond that which is taught in the reference to make the claimed invention obvious.

With regard to Alzner, the rejection fails because it does not account for each and every element of the claimed invention. Among other things, Alzner does not disclose making a balloon for a medical device. Nowhere in Alzner are balloons mentioned. The reference is directed toward medical tubes capable of delivering flow in specific conditions. In one embodiment, the tubing is especially suitable as a spinal catheter. The patent is in part directed to providing the tubes with increased rigidity so the tube continues to pass a significant volumetric flow even when folded into tight bends and maintains its shape by resisting the folding. Rigidity is an important factor in these applications due to the tortuous paths the tubes encounter and the importance of being able to transfer fluid. Medical balloons serve a different purpose and thus have different requirements. An example of these desirable characteristics is to have a balloon which is collapsible so as to reduce the overall profile of the catheter. Further, it would be unclear as to attributes of the material after the blowing and stretching steps which are used in forming a balloon are performed. There is a vast body of art directed solely to balloons for medical devices that is distinct from catheter shaft art. Not only does the reference lack any reference to balloons, it lacks adequate teaching or motivation for one to go beyond that which is taught in the reference to make the claimed invention obvious.

Double Patenting

Claims 19-20 and 30-44 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 1-19, 1-8 of U.S. Patent No's 6171278; 5830182; and 6146356, respectively.

Although Applicant disagrees with the rejection, since the present application is of related lineage and will end its term similarly thereto, Applicant is accompanying this response with the proper terminal disclaimers.

Applicant has added claim 45.

The application is now believed to be in condition for allowance. If any further issues arise, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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